

**Board for Professional Engineers and Land Surveyors
Board Meeting Minutes
March 16 & 17, 2006**

**Double Tree Club Hotel San Diego
1515 Hotel Circle South
San Diego, California, 92108
(619) 881-6900**

**Thursday, March 16, 2006, beginning at 1:30 p.m., and continuing on
Friday, March 17, 2006, beginning at 9:00 a.m.**

Thursday, March 16, 2006

Board Members Present: Cindy Tuttle (President), Dale Wilson (Vice President), Gregg Brandow, Arthur Duffy, James Foley, and Richard Lyons

Board Members Absent: Robert Jones, Millicent Safran, and Edward Yu

Board Staff Present: Cindi Christenson (Executive Officer), Cindy Fernandez (Executive Analyst), Gary Duke (Legal Counsel), Nancy Eissler (Enforcement Program Manager), and Debbie Thompson (Budget Analyst)

Public Present: See Attached

1. Roll Call to Establish a Quorum

The meeting was called to order by President Tuttle at 1:30 p.m. Roll call was taken, and there was not a quorum.

President Tuttle stated that, since there was not a quorum, the members present would meet as a committee and make recommendations to the Board on Friday.

2. Public Comment

Mr. Bockmiller, of PECG, thanked the Board for releasing the Land Surveyor 2005 examination in a timely manner.

5. Update and Discussion regarding SB 246 (Possible Action)

MOTION: Mr. Duffy/Mr. Foley moved that the Committee recommend to the Board that all provisions relating to the Title Acts (including

removing the provisions to eliminate the Title Acts of Agricultural, Industrial, and Metallurgical and the provisions to convert the other Title Acts to Practice Acts) be removed from SB 246.

VOTE: 6-0, motion carried.

6. Legislative Proposals (Possible Action)

a. Non-Title Act Related Items from SB 246 (including pass through of examination fees)

Mr. Duffy reported on the information and changes contained in the agenda regarding Business and Professions Code sections 6712, 6716, 6704, 6732.5, 6746.1, 6750, 6754, 8740 and 8745.

Mr. Duffy also expressed concerns regarding the Quorum Issue. Other Boards require "Simple" Majority, we are the only Board that does not.

MOTION: Vice President Wilson/Mr. Duffy moved that the Committee recommend to the Board that the last paragraph proposed to be added to Sections 6754 and 8745 not be added and that the third paragraph proposed to be added to Section 8745 also be added to Section 6754 (as shown on Pages 28 and 29).

VOTE: 6-0, motion carried.

MOTION: Mr. Duffy/Vice President Wilson moved that the Committee recommend to the Board that the second paragraph of Section 8745 (as shown on Page 29) be deleted.

VOTE: 6-0, motion carried.

MOTION: Vice President Wilson/Mr. Duffy moved that the Committee recommend to the Board that it should proceed with all other proposed amendments as shown on Pages 25 through 29 of the agenda packet.

VOTE: 6-0, motion carried.

b. Amendments to Business and Professions Code sections 6738 and 8729

Ms. Eissler reviewed the information contained in the agenda packet regarding the amendments staff recommends that the Board pursue this year, as well as those items that need further discussion by the Board or its Technical Advisory Committees (TACs) before pursuing.

MOTION: Mr. Duffy/Dr. Brandow moved that the Committee recommend to the Board that the Board approve the recommended amendments to Sections 6738 and 8729 as shown on Pages 37-42 of the agenda packet with the inclusion of the word “owner” in subdivision (b) to the phrase “shall have an owner, partner, or officer,” and seek legislation to make these changes.

VOTE: 6-0, motion carried.

MOTION: Mr. Duffy/Dr. Brandow moved that the Committee recommend to the Board that the discussion of business names and out-of-state businesses/branch offices be tabled to a future meeting.

VOTE: 6-0, motion carried.

c. Amendment to Business and Professions Code section 6753 to Allow Five Years Experience Credit for an ABET Postgraduate Degree

Ms. Christenson reviewed the information contained in the agenda packet regarding the proposed amendments to Section 6753.

MOTION: Mr. Duffy/Mr. Foley moved that the Committee recommend to the Board that the Board approve the proposed amendments to Section 6753 as shown on Page 45 of the agenda packet and seek legislation to make these changes.

VOTE: 6-0, motion carried.

d. Amendment to Business and Professions Code section 6726.2 to Remove Outdated Reference to Repealed Subsection of Business and Professions Code section 6736.1

Ms. Eissler reviewed the information contained in the agenda packet regarding the need to amend Section 6726.2 to remove an obsolete reference.

MOTION: Vice President Wilson/Mr. Foley moved that the Committee recommend to the Board that the Board approve the recommended amendments to Section 6726.2 as shown on Page 49 of the agenda packet and seek legislation to make these changes.

VOTE: 6-0, motion carried.

Dr. Bradow left at 3:20 p.m.

7. Strategic Plan (Possible Action)

Ms. Christenson stated that the Strategic Plan is to be updated on a yearly basis.

MOTION: Mr. Duffy/Mr. Foley moved that the Committee recommend to the Board that staff be directed to review the existing Strategic Plan and present any recommended changes to the Board at its May 2006 meeting.

VOTE: 5-0, motion carried.

8. Land Surveyor Position (Possible Action)

MOTION: Mr. Duffy/Mr. Foley moved that the Committee recommend to the Board that staff be directed to begin the process required to create a civil service classification for a Professional Land Surveyor Registrar similar to the Senior Engineer Registrar classifications and to direct staff to provide updates regarding this issue at each future Board meeting.

VOTE: 5-0, motion carried.

9. Elimination of Pocket ID Cards (Possible Action)

MOTION: Mr. Lyons/Vice President Wilson moved that the Committee recommend to the Board that staff be directed to request that DCA's Office of Information Systems begin the process to change the renewal notices to include a check box for licensees to opt out of receiving the plastic ID card and to direct staff to include in the Executive Report for each meeting a report on the number of plastic ID cards are issued each fiscal year.

VOTE: 5-0, motion carried.

11. Enforcement (If Necessary)

Ms. Eissler reported that so far this fiscal year, the Enforcement Unit has closed more cases than have been opened. She indicated that she would include the enforcement statistics in the agenda packet for the May Board meeting.

12. Legislative

a. Discussion of Legislation for 2006, including but not limited to AB 180, AB 1561, AB 1588, and SB 246 (Possible Action)

Mr. Duffy reported on the information contained in the agenda.

MOTION: Mr. Duffy/Vice President Wilson moved that the Committee recommend to the Board that it support AB1561 regarding

State boards and commissions: member removal: failure to attend meetings.

VOTE: 5-0, motion carried.

MOTION: Mr. Duffy/Mr. Lyons moved that the Committee recommend to the Board that it watch AB 1588 regarding professional licensing boards: review and repeals.

VOTE: 5-0, motion carried.

MOTION: Mr. Duffy/Mr. Foley moved that the Committee recommend to the Board that it support AB 2835 regarding excluded employees: salaries and benefits.

VOTE: 3-0-2, motion carried. Vice President Wilson and Mr. Lyons abstained.

b. Regulation Status Report

Ms. Christenson reported on the information contained in the agenda.

**13. Technical Advisory Committee Reports
(No Committee Meetings were held.)**

a. Board Assignments to TACs (Possible Action)

There were no assignments.

b. Appointment of TAC Members (Possible Action)

There were no appointments of TAC members.

14. Liaison Reports (Possible Action)

a. ABET

No ABET report was given.

b. NCEES

**1. Proposed Amendments to the NCEES Constitution and Bylaws
(Possible Action)**

President Tuttle reported that she has directed staff to obtain more information regarding this issue and present it at the May Board meeting.

2. Correspondence with ABET

Ms. Christenson reported on the information contained in the agenda.

c. Technical and Professional Societies

Ms. Christenson reported that she recently attend meeting with the Building Officials. Past Board Member William Schock is the President and he send his regards and he complimented the Enforcement staff.

15. President's Report

There was no President's report given.

16. Executive Officer's Report

1. Administration Report

a. Executive summary report

No additional report given.

2. Personnel

a. New Hires

None

b. Vacancies

None

3. Enforcement/Examination/Licensing

a. College Outreach

No report given.

b. Report on Enforcement Activities

Ms. Eissler reported that so far this fiscal year, the Enforcement Unit has closed more cases than have been opened.

c. Report on Examination Activities

No report was given.

4. Publications/Website

a. Website Activity Statistics

No additional report was given.

5. Other

a. DCA update

Ms. Christenson reminded Board members that their Form 700; Economic Interest form is due.

18. Other Items Not Requiring Board Action

Date of Next Board Meeting: May 11 & 12, 2006, Sacramento, California

Mr. Duke stated that the Board has received correspondence from an individual regarding the length of time items stay on our website, i.e., minutes, publications. Mr. Duke recommended that the Board may want to address this issue.

10. Administrative

a. Fund Condition (Possible Action)

Ms. Thompson reported on changes included in the Board's fund condition dated 2006:

- Renewal revenue projection remains at \$5,705,000 and has not changed.
- Application revenue projection decreased from \$3,732,330 to \$3,692,435.
- Actual reimbursements this FY increased from \$27,908 to \$39,676.

Total revenue through January 31, 2006 was \$6,205,872, which is \$1,551,129 more than the total received in the prior FY through January 31, 2005. The increase is caused by the switch from quadrennial renewals to biennial renewals that became effective July 1, 2003. This FY both the remaining quadrennial licenses and the first group of biennial licenses are renewing.

b. Fiscal Year 2005/06 Budget (Possible Action)

Ms. Thompson reported that the Board currently projects this FY expenses to be \$7,509,597. Currently, the Board projects to have a \$260,807 savings after expenditures for this FY. Ms. Thompson reported that the increase in projected expenditures is a result of increased expenses in the areas of proctors, overtime, expert examiners, OAH, Evidence Witness Fees and minor equipment.

c. Fiscal Year 2006-07 Budget Change Proposals (BCPs) (Possible Action)

The Senate and Assembly budget hearings for FY 2006-07 BCPs will take place during the months of March and April 2006.

d. Fiscal Year 2007/08 Budget (Possible Action)

Ms. Thompson reported on the Board's three issues in consideration for BCP funding for FY 2007/08:

- 1) **Cashier's Office Position** - Board staff have decided to delay this BCP until further information can be obtained. The cashier's office workload has been redirected to other staff and the Board expects to receive the FY 2006-07 BCP mail clerk position. In the event, these two measures don't absorb the increased workload, Board staff will prepare a BCP in upcoming FYs.
- 2) **Subject Matter Expert (SME)** - An increase in the SME hourly rate from \$22.21 per hour to \$31 per hour. This rate is consistent with the entry level engineer salary as identified in recent salary surveys

conducted for engineers and land surveyors. The increase could be absorbed by the Board's existing budget effective July 1, 2006.

MOTION: Mr. Duffy/Vice President Wilson moved that the Committee recommend to the Board approval of an increase of \$9.79 to the SME hourly wage (from \$22.21 to \$32) effective July 1, 2006, in the event the Board obtains the baseline price increase adjustment to its FY 2006-07 budget. Otherwise, Board staff will submit a FY 2007-08 BCP for the augmentation to increase the SME hourly rate.

VOTE: 5-0, motion carried.

3) **Reporting of Legal Actions**

Board staff must submit a BCP to meet the requirements of legislation enacted in 2004 (SB 1549). The language enacted requires the Board receive and maintain specified licensee information related civil action judgments, settlements, or arbitration award information. To implement these requirements, the Board must request funding for additional staff to manage the increase in workload.

MOTION: Vice President Wilson/Mr. Foley moved that the Committee recommend to the Board that Board staff be directed to prepare and submit the FY 2007-08 BCP to obtain the funding needed to implement provisions of this legislation.

VOTE: 5-0, motion carried.

e. **Land Surveyor Contract Renewal:**

Ms. Thompson reported that the Board's Land Surveyor contract will expire December 31, 2006. The same contractor has been awarded the bid for this contract during the last four renewal cycles (a period of 12 years time). The existing contractor, Mr. Howard Brunner, has indicated he will not re-bid upon expiration of the contract. For this reason, Board staff believes it necessary to initiate a new contract prior to expiration of existing contract to allow overlap for orientation purposes.

MOTION: President Tuttle/Vice President Wilson moved that the Committee recommend to the Board that Board staff be directed to begin the Request for Qualifications process for the Board's Land Surveyor contract to begin October 1, 2006, and that the Board appoint Millicent Safran and Dale Wilson to serve as the two-person Committee to

work with staff, with Jim Foley to serve as a back-up if needed.

VOTE: 5-0, motion carried.

f. Publications Review:

Ms. Thompson reported that the next Enforcement Bulletin will be available by June 2006. Ms. Eissler reported that the Handbook of Laws and Rules is now being reviewed by DCA Legal.

Friday, March 17, 2006

Board Members Present: Cindy Tuttle (President), Dale Wilson (Vice President), Gregg Brandow, Arthur Duffy, James Foley, Robert Jones, and Richard Lyons

Board Members Absent: Millicent Safran and Edward Yu

Board Staff Present: Cindi Christenson (Executive Officer), Cindy Fernandez (Executive Analyst), Gary Duke (Legal Counsel), Nancy Eissler (Enforcement Program Manager), and Debbie Thompson (Budget Analyst)

Public Present: See Attached

1. Roll Call to Establish a Quorum

The meeting was called to order by President Tuttle at 9:05 a.m. Roll call was taken, and there was not a quorum until 9:15 a.m. when Mr. Jones arrived.

2. Public Comment

President Tuttle stated for the record, that correspondence had been received from UC Davis, Dean of Engineering & Agricultural; California/Nevada of ASABE; National ASABE; and NCEES, regarding including the discipline of Agricultural Engineering as a licensed Practice Act discipline.

3. Approval of Delinquent Reinstatements (Possible Action)

MOTION: Mr. Foley/Vice President Wilson moved to approve the Amended Handout Delinquent Reinstatements as follows:

CIVIL

1. Ronald Lloyd Mayes

Reinstate applicant's civil license once he takes and passes the Seismic Principles Examination, the Engineering Surveying Examination, the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

2. Ronald J Northrop

Reinstate applicant's civil license, having met all requirements for reinstatement, including passing the Board's Laws and Regulations Examination.

3. **John Gerard Smith**
Reinstate applicant's civil license, having met all requirements for reinstatement, including passing the Board's Laws and Regulations Examination.
4. **Enrique Barros Tuason**
Reinstate applicant's civil license once he takes and passes the Seismic Principles Examination, the Engineering Surveying Examination, the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

MECHANICAL

1. **Jeffrey Bart Abramson**
Reinstate applicant's mechanical license once he takes and passes the Board's Laws and Regulations Examination and pays all delinquent and renewal fees.
2. **Douglas Martin Paulsrude**
Reinstate applicant's mechanical license once he takes and passes the Board's Laws and Regulations Examination.

VOTE: 7-0, motion carried.

4. Comity and Temporary Authorization Applications (Possible Action)

MOTION: Mr. Lyons/Mr. Duffy moved to approve the Amended Handout Comity List.

VOTE: 7-0, motion carried.

MOTION: Mr. Foley/Mr. Duffy moved to approve the Temporary Civil Authorization for Ronald E. Ross for a period of 180 days.

VOTE: 7-0, motion carried.

The following items, Nos. 5, 6a, 6b, 6c, 6d, 7, 8, 9, 10d, 10e, 12a, and 14b1, were acted on as a single consent item. A handout of the Committee's recommendations from Thursday, March 16, 2006, was provided.

5. **Update and Discussion regarding SB 246 (Possible Action)**
6. **Legislative Proposals (Possible Action)**
 - a. **Non-Title Act Related Items from SB 246 (including pass through of examination fees)**
 - b. **Amendments to Business and Professions Code sections 6738 and 8729**

- c. Amendment to Business and Professions Code section 6753 to Allow Five Years Experience Credit for an ABET Postgraduate Degree
 - d. Amendment to Business and Professions Code section 6726.2 to Remove Outdated Reference to Repealed Subsection of Business and Professions Code section 6736.1
- 7. Strategic Plan (Possible Action)
- 8. Land Surveyor Position (Possible Action)
- 9. Elimination of Pocket ID Cards (Possible Action)
- 10. Administrative
 - d. FY 2006-07 Budget Change Proposals (Possible Action)
 - 1) Enforcement Staff Increase
 - 2) Mail Clerk Position
 - e. Land Surveyor Contract Renewal (Possible Action)
- 12. Legislative
 - a. Discussion of Legislation for 2006, including but not limited to AB 180, AB 1561, AB 1588, and SB 246 (Possible Action)
- 14. Liaison Reports (Possible Action)
 - b. NCEES
 - 1. Proposed Amendments to the NCEES Constitution and Bylaws (Possible Action)

Below is the action regarding Items 5, 6a, 6b, 6c, 6d, 7, 8, 9, 10d, 10e, 12a, and 14b1;

MOTION: Mr. Foley/Vice President Wilson moved to approve the recommendations of the Committee for Items 5, 6a, 6b, 6c, 6d, 7, 8, 9, 10d, 10e, 12a, and 14b1 as a consent item.

VOTE: 7-0, motion carried.

- 17. Approval of Board Travel (Possible Action)
No Board travel.
- 19. Closed Session – Personnel Matters, Examination Procedures and Results, Administrative Adjudication, and Pending Litigation (As Needed) [Pursuant to Government Code sections 11126(a) and (b), 11126(c)(1), 11126(c)(3), and 11126 (e)(1)]
 - a. Michael William Foster v. Board for Professional Engineers and Land Surveyors, El Dorado Superior Court Case No. PC 20030492

- b. Lawrence B. Karp v. Board for Professional Engineers and Land Surveyors, Court of Appeal First Appellate District, Division 3, Case No. A109241, (San Francisco Superior Court Case No. 402996)
- c. Michael Carlos Laroue v. Board for Professional Engineers and Land Surveyors, Los Angeles Superior Court

20. Open Session to Announce the Results of Closed Session

Ms. Christenson reported that the Board discussed pending litigation as noticed, specifically Michael William Foster v. Board for Professional Engineers and Land Surveyors, El Dorado Superior Court Case No. PC 20030492; Lawrence B. Karp v. Board for Professional Engineers and Land Surveyors, Court of Appeal First Appellate District, Division 3, Case No. A109241, (San Francisco Superior Court Case No. 402996); and Michael Carlos Laroue v. Board for Professional Engineers and Land Surveyors, Los Angeles Superior Court.

Ms. Christenson reported that the Board adopted the results of the take-home examination for the candidates who had previously passed the 8-hour portion of the indicated examinations.

Ms. Christenson reported on the EIT October 2005 Examination College Data.

Ms. Christenson reported that the Board adopted the Stipulations regarding Ryan Privett, James Diggins, Daniel MacNeil, and Steven L. Fallon.

21. Approval of Consent Items (Possible Action)

(These items are before the Board for consent and will be approved with a single motion following the completion of Closed Session. Any item that a Board member wishes to discuss will be removed from the consent items and considered separately.)

- a. **Approval of the Minutes of the January 20, 2006, Board Meeting**
- b. **Approval of Candidates for Certification/Licensure (Based on Examination Results, Including Successful Appeals, Adopted in Closed Session)**

MOTION: Mr. Foley/Mr. Duffy moved to approve the consent calendar.

VOTE: 7-0, motion carried.

22. Adjourn

The Board adjourned at 10:10 a.m.

PUBLIC PRESENT

Jeff Cours, CPIL

Carolyn Jones, ASABE

Lyn T. Bockmiller, PECG

Bob DeWitt, CELSOC

Ron E. Ross, Ross Engineering, Inc.